

State of Washington  
DRAFT  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

PRIORITY DATE  
5/20/2014

WATER RIGHT NUMBER  
G3-30709

MAILING ADDRESS  
Sunshine Health Facilities, Inc.  
10410 East 9<sup>th</sup>  
Spokane Valley, WA 99206

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
50	GPM	0

Purpose

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
Heat Exchange 50 gallons per minute continuously for nonconsumptive heat exchange	50 GPM	0	01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Spokane	Groundwater		57-Middle Spokane

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1 (Source)	45204.1005		25 N.	44 E.	20	NE¼SE¼	47.64768°	-117.26468°
Well 2 (Injection)	45204.1005		25 N.	44 E.	20	NE¼SE¼	47.64770°	-117.26456°

Datum: WGS84

Well 1 (Source): 1865 feet north and 810 feet west from the SE corner of Section 20

Well 2 (Injection): 1885 feet north and 785 feet west from the SE corner of Section 20



**Place of Use (See Attached Map)****PARCELS (NOT LISTED FOR SERVICE AREAS)**

45204.1005

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

A portion of the University Campus tract: the east 460 feet of the north 660 feet together with the south 60 feet of the north 720 feet of the east 201.9 feet, except the north 140 feet of the west 100 feet and except roads of University Place, all within Section 20 T. 25 N., R. 44 E.W.M.

**Proposed Works**

The heating and cooling plant for the new Sunshine Health Facilities is an open loop geothermal heat pump system. Groundwater will be pumped from the aquifer, routed through a heat exchanger where it will reject or absorb heat from the heat pump system and is then injected into the ground.

**Development Schedule****BEGIN PROJECT**

Started

**COMPLETE PROJECT**

December 1, 2014

**PUT WATER TO FULL USE**

December 1, 2015

**Measurement of Water Use**

How often must water use be measured?

Weekly

How often must water use data be reported to Ecology?

Upon request by Ecology

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm)

**Provisions****Wells, Well Logs and Well Construction Standards**

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.



**Underground Injection Control Program**

The subject infiltration system shall be registered with Ecology's Underground Injection Control Program prior to discharge of any water withdrawn under this authorization.

<http://www.ecy.wa.gov/pubs/wac173218.pdf>

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30709 subject to existing rights and the provisions specified above.



### Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this       day of       2014.

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Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>



## INVESTIGATOR'S REPORT

Application for Water Right – Sunshine Health Facilities, Inc.

Water Right Control Number G3-30709

Eastern Regional Office, Department of Ecology

## BACKGROUND

### Description and Purpose of Proposed Application

On May 20, 2014, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G3-30709 submitted by Sunshine Health Facilities, Inc. (SHF). Attributes of the application are presented below in Table 1. Lands covered by the proposed place of use are owned by SHF, parcel number 45204.1005. The points of withdrawal and injection are located on the same land.

The proposed water use is nonconsumptive heat exchange.

### Attributes of Proposal

Table 1 Application Summary

<b>Name</b>	Sunshine Health Facility, Inc. (SHF)
<b>Priority Date</b>	5/20/2014
<b>Instantaneous Rate</b>	50 gpm
<b>Annual Quantity</b>	0 af/yr
<b>Purpose(s) of Use</b>	Heat Exchange
<b>Period of Use</b>	Continuous
<b>Place(s) of Use</b>	SHF Residence Building, Section 20, T. 25 N., R. 44 E.W.M.

Table 2 Geographic Setting

<b>County</b>	<b>Waterbody</b>	<b>Tributary To</b>	<b>WRIA</b>
Spokane	Groundwater		57 – Middle Spokane

Table 3 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1 (Source)	45204.1005		25 N.	44 E.	20	NE¼SE¼	47.64768°	-117.26468°
Well 2 (Injection)	45204.1005		25 N.	44 E.	20	NE¼SE¼	47.64770°	-117.26456°

### Priority Processing

This application qualifies for priority processing under WAC173-152, allowing it to be processed ahead of competing applications. Normally, new water right applications are acted upon in the order in which they are received, by priority date. Certain new water right applications are afforded priority processing



if they meet specific conditions. With respect to this application, WAC 173-152-050(2) provides that an application may be processed prior to competing applications if the department determines that it:

“Is for a proposed water use that is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment.” (WAC 173-152-050(2)(c))

Ecology policy 2020, “Priority Processing of Heat Pump Applications” reiterates that an application for withdrawal of water for heat exchange purposes may be given priority processing provided the conditions set forth in WAC 173-152-050(2)(c) are met.

1. Nonconsumptive Use: Ecology Water Resource Program Policy POL-1020 governs determination of consumptive vs. nonconsumptive water use. This policy defines ground water use as nonconsumptive when:

“...there is no diminishment of the source. In order not to diminish the source, the withdrawn water is injected or infiltrated immediately back to the aquifer. The water must be returned in the same quantity and quality (excluding temperature change) at a point in close proximity to the withdrawal wells. An example of this use is a heat pump.”

2. Substantially Enhance or Protect the Natural Environment: An open-loop water source exchange system such as that proposed generally provides a considerable improvement in energy efficiency over comparable traditional systems. There is an energy savings over air-source heat pumps, particularly during periods of below-freezing weather, and there is no direct combustion associated with these systems as there would be with coal, oil or natural gas. The energy savings and reduction of greenhouse gases that this type of system provides over conventional heating and cooling systems can be considered as substantially enhancing the natural environment.

The proposed open-loop heat exchange system meets the criteria set forth in WAC 173-152-050(2)(c) and is afforded priority processing. Priority processing was approved by Keith Stoffel, Water Resources Section Manager, Eastern Regional Office, on June 12, 2014.

### Legal Requirements for Approval of Appropriation of Water

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RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

This report serves as the written findings of fact concerning all things investigated regarding Water Right Application Number G3-30709.



### Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Spokane Valley News Herald* during the weeks of July 4 and July 11, 2014.

### State Environmental Policy Act (SEPA)

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A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA relative to the water supply portion of this project and a threshold determination is not required.

### INVESTIGATION

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Ecology employee Jeff MacLennan met with the general contractor for this project, Jon Hawley, owner of Tamarac Ridge Construction, on July 9, 2014. The project site is located in a suburban neighborhood of Spokane Valley, Washington. The project is a residence building dedicated to mental health care.

Construction was well under way at the time of the site visit. According to Mr. Hawley the project will be completed before the permit could be issued. It's likely a temporary permit will be requested in order to drill and test the source and injection wells.

### Proposed Use and Basis of Water Demand

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SHF proposes to use groundwater as part of a heat exchange system for heating and cooling its new building. The groundwater for the proposed system would be pumped from the source well at a rate to match the building's heating/cooling demand. The water is then injected into a "liquid-to-liquid plate heat exchanger that is part of the energy recovery system." The heat exchanger facilitates the heat transfer between the well loop and the building loop while maintaining a separation between water streams and preventing any cross contamination between the loops should there be a leak. From the heat exchanger it will be returned to the aquifer via an injection well.

The proposed ground source heat pump system would not result in a consumptive use of ground water because all of the water withdrawn from the ground and passed through the heat exchanger would be



injected back into the ground. No chemicals are added and the quality of the water is unchanged. The effect is a temperature drop or rise.

### Other Rights Appurtenant to the Place of Use

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There is one water right claim associated with the SHF property. It is a short form claim submitted by the Community Nursing Home. Its purpose is irrigation. Municipal water is provided to SHF by Spokane County Water District No. 3 (SCWD3) under seven certified water rights. A well belonging to SCWD3 was decommissioned on December 23, 2013, prior to the start of building construction. The well is located in the footprint of the building.

### Impairment Considerations

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Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

### *Impairment, Qualifying Ground Water Withdrawal Facilities, and Well Interference*

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Because this is a non-consumptive use and it is drawing from the Spokane aquifer there should be no impairment to any nearby groundwater rights. From a search of the Well Log and Water Rights Tracking System databases, there are five wells within the southeast quarter of section 20, the location of the project. The closest to the project is about 1000 feet away. This well is associated with groundwater claim G3-155223CL. Its purpose is single residence domestic use under 5000 gallons per day.

### Water Availability

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For water to be available for appropriation, it must be both physically and legally available.

#### ***Physical availability***

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW



- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

The location of the source well is within the boundary of the Spokane Valley-Rathdrum Prairie Aquifer. Water in the quantities necessary to meet this projects needs should be physically available.

### ***Legal availability***

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in drainages where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

### **Beneficial Use**

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The use of water for heat exchange purposes is defined in statute as a beneficial use (RCW 90.54.020(1)).

### **Public Interest Considerations**

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#### *Consideration of Protests and Comments*

No letters of concern were filed against this application.

The proposed withdrawal of water is considered a nonconsumptive appropriation. Approval of this application would result in an overall benefit to the natural environment by increasing the energy efficiency of the heating and cooling system of this building. There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicating that there would be any detrimental impact to the public welfare through issuance of the water right. With that, this use is considered to be in the public interest.

### **Conclusions**

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In conclusion, water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare. This examiner finds



that water is available for appropriation for nonconsumptive continuous heat exchange in the amount of 50 gallons per minute.

## RECOMMENDATIONS

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

### Purpose of Use and Authorized Quantities

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The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

50 gpm  
0 acre-feet per year  
Heat Exchange

### Point of Withdrawal

Well: in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 1865 feet north and 810 feet west from the SE corner of Section 20, Township 25 North, Range 44 E.W.M.

### Place of Use

As described on Page 2 of this Report of Examination.

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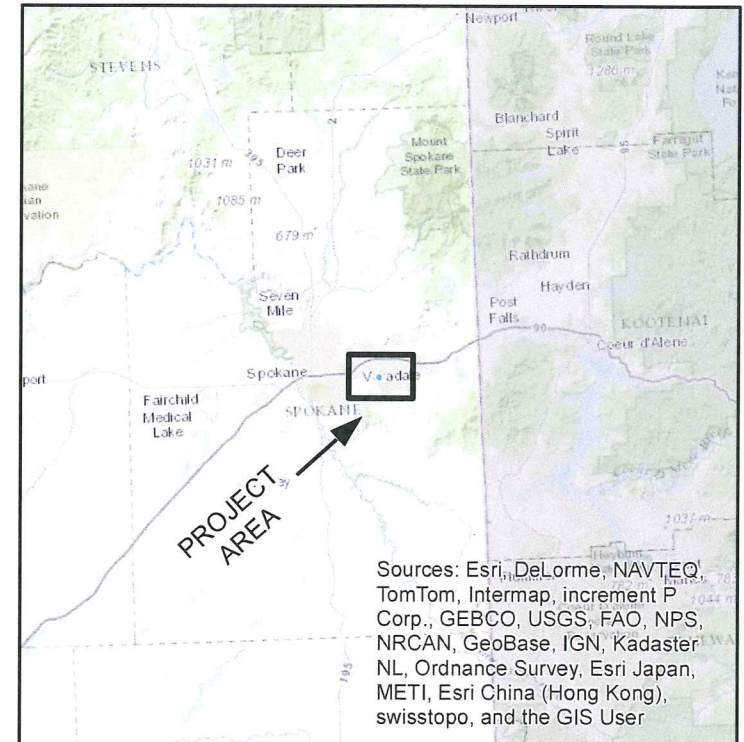
Jeff MacLennan, Report Writer

Date

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Sunshine Health Facilities, Inc.  
G3-30709  
T25N/R44E



**Legend**



Authorized Place of Use

Townships

Sections



Authorized Point of Withdrawal

Basemap - (ESRI US Topographic Maps)

0 330 660 1,320 1,980 2,640 3,300 Feet  
Basemap - (NAIP 2011 1m color)

Map Date: 8/1/2014



**Comment:**

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.